

REMARKS

Claims 5 and 8 are pending in the application, and are rejected. Claims 5 and 8 are herein amended. The title of the invention is also herein amended.

Objection to the Title

The title of the invention is objected to because it is no longer commensurate with the invention being claimed, since only process claims remain in this application. Applicants herein amend the title to read, “~~Adsorbent, Process for Adsorbing and Removing Process and Adsorber For Endogenous Cannabinoid~~”.

Claim Rejections under 35 U.S.C. §112

Claim 8 is rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey that the inventor, had possession of the claimed invention. The Examiner asserts that the limitation that the process includes a step of “identifying a living body that ...may be in danger of imminently having dangerously elevated levels of ...” (claim 8, lines 3-4) does not appear to be supported by the disclosure originally filed.

Applicants herein amend the claims to delete the step of “identifying a living body that either has or may be in danger of imminently having dangerously elevated levels of endogenous anandamide or endogenous 2-arachidonoylglycerol”. Applicants further amend the claim to recite the steps of “removing body fluid from ~~the living a living~~ body...” and subsequently treating it as previously recited. Applicants submit that this amendment overcomes the rejection.

Response under 37 C.F.R. §1.111

Attorney Docket No. 011284

Serial No. 09/961,265

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 5 recites removing “endogenous cannabinoid” with an adsorbent for “endogenous cannabinoid” from a fluid “containing endogenous anandamide or endogenous 2-arachidonoylglycerol;” and the Examiner asserts that it is not clear whether this claim is intended to be limited to the removal of endogenous anandamide or endogenous 2-arachidonoylglycerol from the fluid, or to the removal of any endogenous cannabinoid from a fluid which merely contains one of these two recited materials.

Applicants herein address the rejection by amending the claims to recite specifically anandamide or 2-AG throughout the claims. Applicants submit that the claims, as amended, are sufficiently clear.

Claims 5 and 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of commonly owned U.S. Patent No. 6,475,478. The Examiner asserts that they are not patentably distinct from each other because the adsorbent recited in the claims of U.S. Patent No. 6,475,478 inherently contains a substance having the recited solubility parameter, i.e., the “water-insoluble carrier” such as polystyrene (see col. 4, line 54).

Applicants note that the patented invention was from the present inventors and is commonly assigned to Keneka Corporation. Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c) that overcomes the rejection.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Response under 37 C.F.R. §1.111

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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